

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CR-127
)	(VARLAN/SHIRLEY)
ANDRE MCGRAW,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) and by Orders of the Honorable Thomas A. Varlan [Docs. 115, 119] for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on April 16, 2007 on the Motion of James A.H. Bell, the Defendant's Counsel, To Withdraw As Counsel Of Record [Doc. 112], filed on April 5, 2007 and on Defendant's Pro Se filing of Request For Appointment Of Counsel [Doc. 117], filed on April 12, 2007. Assistant United States Attorney Tracee Plowell appeared on behalf of the government. Attorney Gerald Gulley, Jr. appeared on behalf of the defendant. The defendant was also present.

The Court finds that the defendant, Andre McGraw, does not have the funds to retain an attorney of his choice and that the defendant wants to be represented by counsel. Attorney Bell's oral motion to withdraw had already been granted by District Judge Varlan, but no new counsel appointed. It is **ORDERED** that Attorney Gerald Gulley, Jr. be appointed to represent the

defendant. Therefore, the Motion To Withdraw As Counsel Of Record [Doc. 112] is well taken and is **GRANTED**.

The Court finds that in light of the granting of the aforesaid motion, the defendant's Pro Se Request For Appointment Of Counsel [Doc. 117] is **DENIED AS MOOT**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge